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post-classical literature are presented in a series of well-written character sketches, abounding in just and discriminating literary criticism. The chapter on Lessing is among the more profound, that on Klopstock the most artistic. In the later period, Heinrich von Kleist, Uhland and Heine have also received excellent monographic treatment. Where the author's philosophical thesis is kept within bounds, the added interest of an ideal connection between successive authors and periods makes each part the gainer.

His social theory is more frequently a disturbing element. Some obnoxious governmental interference or villainous constitution of society is always to blame, where talent fails. We learn, with monotonous iteration, what a different Fischart, Gryphius, Jean Paul, Immermann, etc., the world would have seen, if the times had answered to our author's ideal. This is quite too paternal a treatment of great men. It recalls the point of view of Thomas Hughes, in his *Life of Alfred the Great*, that Alfred, had he lived in the present century, would have been a good English Liberal.

But if our author has carried his theories too far, this is no gauge for the work as a whole. From beginning to end, a high and remarkably even quality is maintained, in conception and presentation. The book will be welcomed by scholars and general readers alike, and the eloquent and forcible style will be a still further recommendation. In the instances where the wording or phrasing varies noticeably from received English usage, there is nearly always a gain in color and picturesqueness, with no loss of dignity.

HENRY WOOD.

*Venerabilis Baedae Historiam Ecclesiasticam Gentis Anglorum, Historiam Abbatum, Epistolam ad Ecgbertum, una cum Historia Abbatum auctore anonymo*, etc., recognovit CAROLUS PLUMMER, M. A. (Oxford: Clarendon Press. 1896. Two vols., pp. clxxviii, 458; xxxvii, 405.)

THERE are perhaps few harder tasks from one point of view, few easier from another, than the review of an edition of the work or works of a "standard" author like Bede. For in the main there are no striking positions assumed and maintained to be elucidated or attacked by the reviewer as in a history or an essay, no characters to be attacked or defended. One has not even the opportunity of writing a critical essay on the life, character, work or times of the author, in this case at least. For the place of Bede has so long been fixed, he and his work have been so thoroughly and variously discussed, that it would be worse than useless to attempt any new résumé of these, even had not Mr. Plummer in his admirable introduction made it doubly a work of supererogation. Practically, in such a case as that of this exhaustive edition, one can do little more than enumerate what the editor has done and pronounce some judgment on the manner in which he has accomplished his task.

It has now been some years since Mr. Plummer, in his edition of *Two Saxon Chronicles*, promised an edition of Bede's *Ecclesiastical History*. That which he has just issued is a worthy fulfillment of that promise. It is one of the most noteworthy editions of the year, and by far the most valuable and important edition of the *Historia Ecclesiastica* yet issued. It will come near to being the last word on the subject, for we cannot hope now that very much new illustrative matter will come to light. There have been few or no mediæval books more widely copied in time and space than Bede's history. To say nothing of the 113 copies enumerated by Hardy, one notes, among the various mediæval monastic library catalogues published from time to time, scarcely one which has not at least one copy of this great work. And from the first edition of Strassburg, 1473, to the present there have been at least twenty-five printed editions issued. Yet this one, as Mr. Plummer says, is the first since the monumental edition of Smith in 1722 that has any right to be called critical. The more recent editions, those of Stevenson, Giles, Mayor and Lumby, Moberly, the M. H. B., and even Holder's, have practically followed Smith as to text with little or no MS. collation, besides leaving much to be desired as to notes. The present edition is to be praised in both respects with little qualification. Mr. Plummer has collated the various principal MSS. with painstaking fidelity and given us at last a text which may be relied on. He has moreover taken the pains to print Bede's borrowings from other authors in italics, a practice which, though not new, save as applied to Bede, is a most valuable feature. Incidentally we are given, too, among the variant readings of the different MSS., a most valuable collection of various spellings of Anglo-Saxon names. One may express a passing regret that it has not been possible to trace the obviously borrowed first chapter descriptive of Britain and Ireland completely to its sources; and the originals of certain legends like that of St. Alban persist in not turning up.

The notes which, with the admirable and elaborate chronological tables, index and appendices, fill the second volume are no less to be commended. In particular the illustrations and elucidations from the other writings of Bede, for which Mr. Plummer has read through all his author's monumental treatises, prove his work to be a labor of love as well as of learning. Not the least valuable of the notes are the very numerous ones pertaining to Celtic sources of information, unique and invaluable for illustrating Bede's work. One may perhaps be permitted to note especially among others the remarks on Caedmon, on the pallium, on the combination of Christian and heathen practices and on idolatry.

Mr. Plummer, reluctantly enough, seems forced to give up another legend, that of St. Patrick, who was perhaps after all formed from *patricius* as St. Amphibalus was from St. Alban's cloak. He hesitates over Ewald's view as to Gregory I.'s letters in Bede being copied in England and not in Rome, but hardly comes to Mommsen's denial of this. Though he does not formally adopt he countenances the reading *editis* in his text to make sense of a passage in the famous Hallelujah-victory incident in St.

Germanus's life, which as it stands makes the valley of that victory, "surrounded by mountains in the middle," impossible physical geography.

The introduction, especially the parts referring to Bede's life and works, leaves little to be desired, illuminated as the scanty materials for his life are, by side-lights from other sources. Accurate as to text, encyclopædic as to notes, fully and carefully indexed, with marginal summaries, judicious use of various styles of type, chronological and other tables, one can recommend this as a model of what an edition should be and can wish it the fate of the original Bede, which because of its excellence so far displaced previous works of the kind that they fell into disuse and came gradually to be destroyed.

WILBUR C. ABBOTT.

*A Preliminary Treatise on Evidence at the Common Law.* Part I. Development of Trial by Jury. By JAMES BRADLEY THAYER, Weld Professor of Law at Harvard University. (Boston: Little, Brown and Co. 1896. Pp. x., 196.)

THIS little book is one of the most valuable contributions to English constitutional and legal history published in this country. It is doubly interesting and instructive, coming, as it does, from the pen of a true historical scholar as well as a master of modern law. The book has been eagerly awaited ever since portions were published in the *Harvard Law Review* some five or six years ago, and now that it has finally appeared it fully meets all expectations. On every page is given evidence of thorough acquaintance with the sources and of ability to make the right use of them.

The subject of the jury is of great importance and of far-reaching connections. In the volume before us it is treated with reference mainly to its bearing on the law of evidence. The English common-law system of evidence is radically peculiar, and its "law of evidence" is due to the institution of the jury, which England alone has used continuously and, in a strange fashion, has developed.

In the first chapter the earlier modes of trial are described and a very satisfactory explanation is given of the *secta* or suit, a relic of which is still found in modern legal phraseology.

The origin of the jury has been ascribed to the Romans, to the Celts, to Alfred the Great, and even to the Crusaders, but Professor Thayer agrees with Brunner and Stubbs and the later authorities in ascribing its introduction into England to William the Conqueror, from Normandy, where it had continued since its use by Charles the Great in the form of inquisitions in civil and in fiscal matters.

During the Norman period in England it was used by the kings in securing testimony regarding laws, customs, possessions, etc., and in eliciting evidence in connection with civil suits, but the real beginning